

Relevant provisions of the new Criminal Code of Aruba (AB 2012 no. 24)

### **Stalking**

#### **Article 2:257**

1. Any person who, unlawfully and intentionally, systematically invades another person's privacy is guilty of stalking and is liable to a term of imprisonment not exceeding four years or a fourth-category fine.

2. Criminal proceedings will be instituted only if a complaint has been made.

#### **Article 2:258**

1. A person who has been convicted of one of the offences defined under this Title can be deprived of the rights listed in article 1:64, paragraph 1 (a), (b) and (d).

2. A person convicted of one of the offences defined in articles 2:247 to 2:252, 2:254, 2:255 and 2:257 may also be deprived of the right referred to in article 1:64, paragraph 1 (e).

### **Title XX**

### **Assault**

#### **Article 2:273**

1. Assault is punishable by a term of imprisonment not exceeding three years or a fourth-category fine.

2. Assault committed with the use of weapons, as referred to in article 1, paragraph 2 of the Offensive Weapons Ordinance, is punishable by a term of imprisonment not exceeding four years or a fourth-category fine.

3. If the offence results in serious bodily injury, the offender is liable to a term of imprisonment not exceeding six years or a fifth-category fine.

4. If the offence results in a person's death, the offender is liable to a term of imprisonment not exceeding nine years or a fifth-category fine.

5. Intentionally damaging a person's health is considered equivalent to assault.

6. An attempt to commit the offence referred to in paragraph 1 of this article is not a criminal offence.

#### Article 2:274

1. Premeditated assault is punishable by a term of imprisonment not exceeding four years or a fourth-category fine.

2. Premeditated assault committed with the use of weapons, as referred to in article 1, paragraph 2 of the Weapons Ordinance, is punishable by a term of imprisonment not exceeding six years or a fifth-category fine.

3. If the offence results in serious bodily injury, the offender is liable to a term of imprisonment not exceeding nine years or a fifth-category fine.

4. If the offence results in a person's death, the offender is liable to a term of imprisonment not exceeding twelve years or a fifth-category fine.

#### Article 2:275

1. Someone who intentionally causes another person grievous bodily harm is guilty of serious assault and is liable to a term of imprisonment not exceeding nine years or a fifth-category fine.

2. If the offence results in a person's death, the offender is liable to a term of imprisonment not exceeding twelve years or a fifth-category fine.

#### Article 2:276

1. Premeditated serious assault is punishable by a term of imprisonment not exceeding twelve years or a fifth-category fine.

2. If the offence results in a person's death, the offender is liable to a term of imprisonment not exceeding fifteen years or a fifth-category fine.

#### Article 2:277

1. The terms of imprisonment referred to in articles 2:273 to 2:276 may be increased by one-third:

- a. if the victim of the offence is the offender's mother, father, spouse, partner, child, a child for whom he bears parental responsibility, or a child for whom he has been caring or whom he has been raising as a member of his family;
- b. if the victim of the offence is a person entrusted to the offender for care, education or supervision;
- c. if the victim of the offence is a public servant engaged in the lawful discharge of his duties or in activities related to these duties;
- d. if the offence involved the administration of substances that are injurious to life or health.

2. If the offence carries a determinate term of imprisonment not exceeding twenty years or longer, the offender is liable to life imprisonment or a determinate term of imprisonment not

exceeding thirty years.

#### Article 2:278

If any of the offences defined in articles 2:275 and 2:276 was committed with terrorist intent, the determinate term of imprisonment that may be imposed for the offence may be increased by half, and if the offence carries a determinate term of imprisonment not exceeding fifteen years, the offender is liable to be sentenced to life imprisonment, or to a determinate term of imprisonment not exceeding thirty years or a fifth-category fine.

#### Article 2:279

Conspiracy to commit the offence defined in article 2:276, in furtherance of a terrorist objective, is punishable by a term of imprisonment not exceeding ten years or a fifth-category fine.

#### Article 2:280

Anyone who intentionally takes part in an attack or affray in which several persons are involved is, without prejudice to each person's responsibility for the acts he himself has committed, liable to:

- a. a term of imprisonment not exceeding two years or a fourth-category fine, if the attack or affray results in serious bodily injury alone;
- b. a term of imprisonment not exceeding three years or a fourth-category fine, if the attack or affray results in a person's death.

#### Article 2:281

In the event of a conviction for one of the offences defined in this Title, the offender may be deprived of the rights referred to in article 1:64, paragraph 1 (a), (b) and (e).

#### Article 1:64

1. The rights of which the offender can be deprived in cases laid down by law, by decision of a court of law, are as follows:

- a. the holding of public office, or specified public offices;
- b. the pursuit of certain occupations;
- c. the right to elect the members of general representative bodies or to be elected as a member of such a body, or both;
- d. the right to leave any country forming part of the Kingdom in which the offender has his place of

- residence, or the right to enter any country forming part of the Kingdom;
- e. the right to be in any part of Aruba without restriction.

2. Without prejudice to specific provisions, in the event of a conviction for a terrorist offence, the offender may be deprived of the rights referred to in paragraph 1.

3. Members of the judiciary, who have been appointed either for life or for a determinate period of time, and other public servants appointed for life, cannot be removed from the office to which they have thus been appointed other than in the cases and in the manner prescribed by law.

4. Deprivation of the right referred to in paragraph 1 (c) can only be pronounced in the case of an offender who has been sentenced to a term of imprisonment of at least one year.

5. The court may order, in giving judgment, that the deprivation of a right as referred to in paragraph 1 (d) or 1 (e) is immediately enforceable, if there is serious reason to believe that the offender may commit another offence. This order may be set aside by the Joint Court of Justice *ex proprio motu* or at the request of the offender or following an application by the public prosecution service. Articles 1:27 to 1:29 apply *mutatis mutandis*.

6. The court that has ordered that the offender is to be deprived of his rights may alter the penalty imposed under paragraph 1 (d) or 1 (e) at the offender's request during the period in which it applies. Articles 1:27 to 1:29 apply *mutatis mutandis*. In urgent cases, the public prosecution service may defer the execution of the deprivation of rights, pending the decision of the court.